

Remarks

Claims 1-11 are pending in the application.

Claims 1-4, 6, 7, and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by Fellman et al. U.S. Patent No. 6,246,702, hereinafter "Fellman."

Claims 5, 8 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fellman as applied to claim 1 above and further in view of Lehr et al. U.S. Patent 4,005,266, hereinafter "Lehr."

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fellman as applied to claim 7 above, and further in view of Lundh et al. U.S. Patent 6,373,834, hereinafter "Lundh."

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR §1.116 because the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better conforms to the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known

prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., simply to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to include expressly the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. §102

Claims 1-4, 6, 7, and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by Fellman. The rejection is traversed.

Applicants have amended independent claims 1 and 7 to clarify that, according to the Applicants' arrangement, to synchronize network terminals' clocks and a master clock, operation of the network terminal clocks is adapted based on respective offsets and round trip delays. No new matter has been added (see e.g., Applicants' original specification, page 11, lines 10-15; page 12, lines 15-20). Specifically, independent claim 1 now recites: "... adapting operation of the clock of each of said other terminals by an amount proportional to the respective determined round trip delay time ... and in response to at least one trigger signal ... adapting operation of the clocks of each of said other terminals by an amount proportional to said determined respective offset ..." (emphasis added). Fellman fails to teach or suggest at least adapting operation of the clocks to synchronize the clocks.

Fellman discloses an arrangement for minimizing unpredictable delays in networks. Specifically, Fellman discloses a synchronization mechanism that may compensate for propagation delay and equalize the phase delay between master and slave devices at the device level (see col. 15, lines 33-37; col. 16, lines 4-8). To synchronize master and slave devices, offsets between the master clock and each of the slave clocks are calculated and used to modify a routine for scheduling packets transmissions from the slave devices. Fellman does not alter how the master and/or slave clocks operate. The clocks continue performing in the same manner. Fellman merely changes a packet transmission process using existing clock information.

According to the Applicants' claimed invention, to synchronize the master and slave clocks, operation of the slave clock itself is adapted. For example, as described in one embodiment of the original specification, representative pulses of the slave clocks are shifted proportionally to the determined round trip delay (page 11, line 10 – page 12, line 6). Similarly, the rates of the slave clocks may be increased or decreased depending on the rate of the master clock (page 12, lines 18-20). These are clock operation changes, not scheduling changes as disclosed in Fellman. Therefore, because Fellman does not teach or suggest at least adapting clocks' operation, Fellman fails to disclose each and every element of the claimed invention, as arranged in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Fellman and is allowable under 35 U.S.C. §102. Independent claim 7 recites relevant limitations similar to those recited in independent claim 1, and thus, for at least for the same reasons as discussed above, this independent claim also is not anticipated by Fellman and is allowable under 35 U.S.C. §102.

Because all of the dependent claims depending from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Fellman.

Therefore, Applicants' claims 1-4, 6, 7, and 10 are allowable over Fellman under 35 U.S.C. §102. The Examiner is respectfully requested to withdraw the rejection.

Rejection Under 35 U.S.C. §103(a)

Claims 5, 8 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fellman as applied to claim 1 above and further in view of Lehr. Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fellman as applied to claim 7 above, and further in view of Lundh. The rejections are traversed.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §102 given Fellman. Because the rejection under 35 U.S.C. §102 given Fellman has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that the additional references supply that which is missing from Fellman to render the independent claims anticipated, these grounds of rejection cannot be maintained.

Therefore, Applicants' claims 5, 8, and 9 are allowable over Fellman in view of Lehr under 35 U.S.C. §103(a) and claim 11 is allowable over Fellman in view of Lundh. The Examiner is respectfully requested to withdraw the rejection.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: _____

3/4/08

EJ Wall

Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808